

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN LEIGH MOORE,

Defendant.

No. MJ-09-272

FED. R. CRIM. P. 5

ORDER OF REMOVAL

☒ MOTION GRANTED
(Ct. Rec. 3)

----- ACTION REQUIRED -----

Date of hearing: September 17, 2009.

- ☒ Defendant, individually and through counsel, previously waived the right to an identity hearing, pursuant to Rule 5. Defendant's waiver is accepted as knowing and voluntary.
- ☐ Defendant, personally and through counsel, waived the right to a bail hearing.
- ☒ The court has conducted a bail hearing pursuant to 18 U.S.C. § 3142(f), and has considered the Pretrial Services Report and proffers of the parties. The court, based upon the factual findings and statement of reasons for detention hereafter set forth, and as stated in court, finds the following:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- ☐ Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that Defendant is a flight risk and a danger to the community based on the nature of the pending charge. Application of the presumption is appropriate in this case.
- ☐ Defendant has a history of: ☐ Failures to appear
☐ Failures to comply
- ☐ Defendant has few or no ties to the community.
- ☐ Defendant has a ☐ significant criminal history.
- ☐ Defendant has an outstanding warrant(s).
- ☐ Defendant does not have a suitable residence.

1 ☐ Defendant appears to suffer from chemical dependency. .

2 ☒ Other: Allegation that several potential
3 witnesses have been in fear of defendant
4 considerable testimony by the
5 investigative detective as to these allegations
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8 ☐ The court finds the Defendant is not supervisable.

9 ☒ By a preponderance of the evidence there are no conditions or
10 combination of conditions other than detention that will
reasonably assure the appearance of Defendant as required.

11 ☒ By clear and convincing evidence there are no conditions or
12 combination of conditions other than detention that will ensure
the safety of the community.

13 ☐ Defendant is currently on probation/supervision resulting from
14 a prior offense.

15 ☐ Bureau of Immigration and Customs Enforcement Detainer.

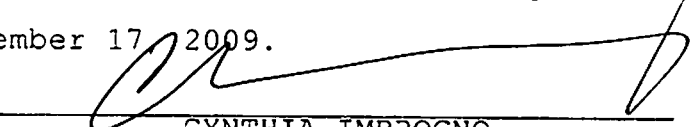
16 **IT IS ORDERED:**

17 1. Defendant is committed to the custody of the United States
18 Marshal for detention until further order of the court, and for
19 removal as soon as reasonably possible to the Central District of
20 California.

21 2. Defendant shall be made reasonably available for
22 communication with court-appointed counsel.

23 3. Until appointment of counsel in the charging district, all
24 notices shall be sent to the Federal Defenders of Eastern
25 Washington, N. 10 Post Street, Suite 700, Spokane, WA 99201.

26 DATED September 17, 2009.

27 
28 CYNTHIA IMBROGNO
UNITED STATES MAGISTRATE JUDGE